

Message

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 3/20/2018 2:22:15 PM
To: Greenwalt, Sarah [greenwalt.sarah@epa.gov]
CC: Ross, David P [ross.davidp@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]
Subject: Re: Maine/Washington/Idaho WQS

Additionally, I am at ECOS and will be talking with John Tibetts of Idaho. I am interested in finding out why Idaho filled amicus in Maine and planning on filling on Culverts case in Washington.

I will keep Collville TAS separate from Idaho briefing.

Sent from my iPhone

On Mar 20, 2018, at 9:12 AM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

Thanks, Chris. When should I have Hayley put a briefing on the calendar?

Also, David Fotouhi is well-versed in these issues so getting Matt up to speed shouldn't be a problem.

I'm glad you raised the Colville TAS and look forward to your readout on the phone calls you've had with the counties. I do worry about combining that in the history of a discussion on Idaho though and am not sure that's something that we need to bring up during this briefing. If you think otherwise please let me know.

My overall recommendation on the briefing is to keep it focused on the Idaho decision at hand. I wouldn't stray too far afield given that these issues can be a bit convoluted.

Sarah A. Greenwalt

U.S. Environmental Protection Agency
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From: Hladick, Christopher
Sent: Tuesday, March 20, 2018 9:14 AM
To: Ross, David P <ross.davidp@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: Re: Maine/Washington/Idaho WQS

Working on the brief right now with all the options for Idaho. Brief will include Nez Perce request for consultation and possible impacts to Washington. The story will include the history of how we got to this point with Oregon and Washington. I think we can talk about Collville TAS. I have been doing outreach to counties surrounding the reservation. Counties against the TAS and tribe does not have relationship they should on this issue.

There is a legal risk component that needs to be part of the conversation as well which I will have my folks provide as a starting place but we will need Matt to weigh in.

Chris

Sent from my iPhone

On Mar 19, 2018, at 5:31 PM, Ross, David P <ross.davidp@epa.gov> wrote:

Thanks Sarah for helping push these along. I agree with Lee. Let's hear from Chris on where things stand and focus in on Idaho as the first decision point. We are also close on 402 approval options there as well. Washington is going to require a deeper dive.

As an FYI, I have a senior science advisor (Ph.D) starting in a few weeks and my goal was to have him help clarify the scientific disputes underlying all of these state issues so that we can get an unbiased view of the issues. Digging beneath the bias in these scientific areas is challenging, but can help us avoid the next Missouri.

If you want to coordinate the schedule you lay out below, with the exception of accelerating Washington to a decision-point, that's great. I'm clearly stuck doing WOTUS virtually non-stop for the foreseeable future, so we appreciate the help. Thanks.

Dave

Sent from my iPad

On Mar 19, 2018, at 6:19 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Sarah,

I will defer to Chris Hladick, but I think we are ripe to talk about decision options on Idaho and possibly Maine (provided DOI changes its legal opinion on the Treaty Rights Fish Consumption interpretation) but I am not certain we are in the same position on Washington State. That is likely to take more time to evaluate some of the science issues. I don't think being ready to tee up a decision on Washington will be for a couple of months.

Regards,
Lee

From: Greenwalt, Sarah
Sent: Monday, March 19, 2018 5:18 PM
To: Ross, David P <ross.davidp@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: RE: Maine/Washington/Idaho WQS

After a call he had with R10, he wanted a general briefing on Idaho and Washington. But, once he sees that these are ripe for a decision I believe he will expect to be presented with decision points.

My recommendation would be to set aside an hour to review the Maine decision, talk about the extent to which the three are inter-related, and tee up decision points for both Maine and Idaho. It's

been a while since I was into these issues in-depth, so if you think that's a little unwieldy I would suggest two separate briefings—the first to review the Maine decision and tee up a decision on Idaho, and the second (a day or two after) to tee up a decision on Washington.

Sarah A. Greenwalt

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From: Ross, David P
Sent: Monday, March 19, 2018 5:10 PM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: Re: Maine/Washington/Idaho WQS

Thanks Sarah.

Perhaps I missed it, but I think this is the first I'm hearing about the request for a briefing. Is the purpose of the briefing to have the Administrator make a decision on these various issues?

Dave

Sent from my iPad

On Mar 19, 2018, at 4:58 PM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

Dave and Lee –

I believe Lincoln reached out to you to set up a briefing on the Washington and Idaho WQS. I know that you guys are swamped and since I have familiarity with this issue I would be happy to take lead on briefing him on these issues. I do believe it is timely to make a decision on the Idaho WQS submission and AFPA's Petition for Reconsideration on EPA's disapproval of Washington's WQS.

Please let me know if this would be helpful or if you'd like to keep the reins.

Sarah A. Greenwalt

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